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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,676	06/27/2001	James S.L. Chen	50037.12US01	3956
27488	7590	07/02/2004	EXAMINER	
MICROSOFT CORPORATION P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			SANTOS, PATRICK J D	
			ART UNIT	PAPER NUMBER
			2171	6

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,676

Applicant(s)

CHEN ET AL.

Examiner

Patrick J Santos

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/1-21-04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The use of the trademarks WINDOWS CE (TM) and MICROSOFT CORPORATION (TM) has been noted in this application (Specification: p. 5, ln. 21). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 5-7, 12-13, 15, 19-20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,961,590 issued to Mendez et al. (hereafter Mendez '590).

Claims 1, 12, and 19:

Regarding Claim 1, Mendez '590 discloses: a computer-implemented method for resolving a conflict detected while synchronizing (Mendez '590: Abstract) a first data object in a first store associated with a mobile device (Mendez '590: col. 4, lns. 21-23; col. 4, lns. 36-38)

and a second data object in a second store associated with a server (Mendez '590: col. 4, lns. 46-49), comprising:

- a) designating at least one property of the first data object as a mergeable property and at least one corresponding property of the second data object as a corresponding mergeable property (Mendez '590: col. 11, lns. 1-10 – workspace elements correspond to properties, and setting a workspace element to “modified” as to indicate candidacy for merging as per Mendez '590 reads on designating a property as “mergeable”);
- b) determining if the conflict detected comprises a difference between the at least one mergeable property of the first data object and the at least one corresponding mergeable property of the second data object (Mendez '590: col. 8, lns. 49-54; col. 10, lns. 48-59); and
- c) if so, merging the first data object and the second data object to resolve the conflict (Mendez '590: col. 8, lns. 54-60; col. 10, lns. 62-67).

Examiner notes that Claims 12 and 19 are respectively the “computer-readable medium having computer executable instructions” (Mendez '590: col. 20, lns. 52-53) and the “system” (Mendez '590: col. 18, ln. 50) embodiments of Claim 1, and are rejected on the same basis of Claim 1.

Claims 2, 13, and 20:

Regarding Claims 2, 13, and 20, Mendez '590 discloses all the limitations of Claims 1, 12, and 19 respectively (supra). Additionally, Mendez '590 discloses: merging the first data object and the second data object comprises:

- determining a preferred state for each of the at least one mergeable property and corresponding mergeable property that differ (Mendez '590: col. 8, lns. 42-48; col. 2, lns. 65-66 – note option in which merge is an “integrating the modified versions into a single preferred version” which reads on a preferred state of a mergeable property); and
- storing the preferred state in the mergeable property and corresponding mergeable property if an initial state of the mergeable property is different from the preferred state (Mendez '590: col. 8, lns. 42-48; col. 2, lns. 65-66 – note option in which merge is an “integrating the modified versions into a single preferred version”; the integrations is a storage of the preferred state).

Claims 5, 15, and 23:

Regarding Claims 5, 15, and 23, Mendez '590 discloses all the limitations of Claims 1, 12, and 19 respectively (supra). Additionally, Mendez '590 discloses: wherein merging is performed without user-intervention on the mobile device (Mendez '590: col. 2, lns. 65-67).

Claim 6:

Regarding Claim 6, Mendez '590 discloses all the limitations of Claim 1 (supra). Additionally, Mendez '590 discloses: further comprising sending a notification to the mobile device if merging of the first data object and the second data object was performed (Mendez '590: col. 11, lns. 52-56 – note that forwarding reconciled changes reads on a notification).

Claim 7:

Regarding Claim 7, Mendez '590 discloses all the limitations of Claim 6 (supra). Additionally, Mendez '590 discloses: wherein the notification includes an identifier associated with the first data object, a property name associated with the mergeable property in conflicts

and a status describing the conflict (Mendez '590: col. 11, lns. 36-40, col. 11, lns. 52-56 – note that forwarding changes reads on identifying the item changed, the property changes, and an indicator as to which version was chosen).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 11, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 in view of U.S. Patent No. 6,295,541 issued to Bodnar et al. (hereafter Bodnar '541).

Claims 3, 14, and 21:

Regarding Claims 3, 14, and 21, Mendez '590 discloses all the limitations of Claims 2, 13, and 20 respectively (supra). However, Mendez '590 does not disclose the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different.

Bodnar '541 discloses the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different (Bodnar '541: col. 48, lns. 52-54; col. 48, ln. 65 to col. 49, ln. 8; col. 49, lns. 50-59 – note that Bodnar '541 provides for merge rules that provide for user setting of preferences that reflect loss of data).

It would have been obvious for a person having ordinary skill in the art to apply the merge rules of Bodnar '541 to the resolution conflict method and system of Mendez '590. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Bodnar '541 which discloses application of Bodnar '541 provides a resolution conflict method and system such as Mendez '590, the advantageous ability to handle new and arbitrary datasets and data types (Bodnar '541: col. 3, lns. 54-63).

Claim 11:

Regarding Claim 11, Mendez '590 discloses all the limitations of Claim 1(supra). However, Mendez '590 does not disclose determining if values associated with the at least one mergeable property of the first data object and the at least one corresponding mergeable property of the second data object are the same, and if so, dismissing the conflict.

Bodnar '541 discloses: determining if values associated with the at least one mergeable property of the first data object and the at least one corresponding mergeable property of the second data object are the same, and if so, dismissing the conflict (Bodnar '541: col. 9, lns. 1-17).

It would have been obvious for a person having ordinary skill in the art to apply the merge rules of Bodnar '541 to the resolution conflict method and system of Mendez '590. The motivation for the ordinarily skilled artisan to accomplish said application is on the same basis as Claim 3 (supra).

Art Unit: 2171

6. Claims 4 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 in view of U.S. Patent No. 6,546,417 issued to Baker (hereafter Baker '417) and in further view of Bodnar '541.

Claims 4 and 22:

Regarding Claims 4 and 22, Mendez '590 discloses all the limitations of Claims 2 and 20 (supra). Additionally, Mendez '590 discloses, wherein the first data object and the second data object comprise an email object (Mendez '590: col. 2, lns. 6-12). However, Mendez '590 does not explicitly disclose that the mergeable property and corresponding mergeable property comprises a read indicator and the preferred state comprises an unread state.

Baker '417 discloses a read indicator (Baker '417: col. 9, ln. 62). However, Baker '417 does not explicitly disclose the preferred state comprises an unread state.

Bodnar '541 discloses Original Priority Resolution, which implies the preferred state comprises an unread state (Bodnar '541: col. 50, ln. 40 to col. 51, ln. 4).

It would have been obvious to a person having ordinary skill in the art to apply the read indicator of Baker '417 to the email system within Mendez '590. The motivation to accomplish said application is suggested by Baker '417 which discloses, providing the advantage of mapping MIME type to icons to a mail system such as that of Mendez '590 (Baker '417: col. 4, lns. 10-20).

It would have been further obvious for a person having ordinary skill in the art to apply the Original Priority Resolution of Bodnar '541 to the Mendez '590 and Baker '417 combination. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Bodnar '541 which discloses application of Bodnar '541 provides a resolution

conflict method and system such as the Mendez '590 and Baker '417 combination, the advantageous ability to handle new and arbitrary datasets and data types (Bodnar '541: col. 3, lns. 54-63).

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 in view of Baker '417.

Claim 8:

Regarding Claim 8, Mendez '590 discloses all the limitations of Claim 1 (supra). Additionally, Mendex '590 discloses the first data object and the second data object comprise an email object (Mendez '590: col. 2, lns. 6-12). However, Mendez '590 does not explicitly disclose the at least one mergeable property and corresponding mergeable property comprises a read indicator.

Baker '417 discloses a read indicator (Baker '417: col. 9, ln. 62).

It would have been obvious to a person having ordinary skill in the art to apply the read indicator of Baker '417 to the email system within Mendez '590. The motivation to accomplish said application is suggested by Baker '417 which discloses, providing the advantage of mapping MIME type to icons to a mail system such as that of Mendez '590 (Baker '417: col. 4, lns. 10-20).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 in view of U.S. Patent No. 5,247,438 issued to Subas et al. (hereafter Subas '438).

Claim 9:

Regarding Claim 9, Mendez '590 discloses all the limitations of Claim 1 (supra). Additionally, Mendez '590 discloses the first data object and the second data object comprise an appointment object (Mendez '590: col. 4, lns. 19-20; col. 4, ln. 66). However, Mendez '590 does not explicitly disclose and the at least one mergeable property and corresponding mergeable property comprises a reminder and a reminder time.

Subas '438 discloses a reminder and a reminder time (Subas '438: col. 1, lns. 15-23).

It would have been obvious to a person having ordinary skill in the art to apply the reminder time of Subas '438 to the Mendez '590 invention. The motivation to accomplish said application is suggested by Subas '438 which discloses that reminder time is required to display calendar data in a Gantt chart which provides a particularly advantageous graphical representation of calendar data (Subas '438: col. 1, lns. 52-65).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 and Subas '438, and in view of in view of Bodnar '541.

Claim 10:

Regarding Claim 10, Mendez '590 and Subas '438 in combination disclose all the limitations of Claim 9 (supra). However, Mendez '590 and Subas '438 in combination do not explicitly disclose the conflict is resolved by merging a reminder with an earlier reminder time of the conflicting properties as the value for both properties.

Bodnar '541 discloses Original Priority Resolution, which implies merging a reminder with an earlier reminder time (Bodnar '541: col. 50, ln. 40 to col. 51, ln. 4).

It would have been obvious for a person having ordinary skill in the art to apply the Original Priority Resolution of Bodnar '541 to the Mendez '590 and Subas '438 combination. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Bodnar '541 which discloses application of Bodnar '541 provides a resolution conflict method and system such as the Mendez '590 and Subas '438 combination, the advantageous ability to handle new and arbitrary datasets and data types (Bodnar '541: col. 3, lns. 54-63).

10. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 in view of U.S. Patent No. 5,758,354 issued to Huang et al. (hereafter Huang '354).

Claim 16:

Regarding Claim 16, Mendez '590 discloses all the limitations of Claims 12. Additionally, Mendez '590 discloses: the first data object comprises a set of properties (Mendez '590: col. 10, lns. 3-18 – note a workspace element reads on a property) and merging includes sending the set of properties to the mobile device if an initial state of the mergeable property that differs from the corresponding merged property is different than a preferred state (Mendez '590: col. 11, lns. 52-56; col. 2, lns. 65-66 – note that an initial state differing from a preferred state reads on a conflict which in turn triggers the forwarding of changes as per Mendez '590). However, Mendez '590 does not disclose: sending a subset of the set of properties to the mobile device.

Huang '354 discloses: sending a subset of the set of properties to the mobile device (Huang '354: col. 7, ln. 60 to col. 8, ln. 3).

It would have been obvious for a person having ordinary skill in the art to apply the subset of properties of Huang '354 to the method and system of Mendez '590. The motivation for the ordinarily skilled artisan to accomplish said combination is suggested by Huang '354 which discloses that use of a subset provides for a synchronization architecture that is particularly suited to memory limited devices such as that of the hand held computers of Mendez '590 (Huang '354: col. 8, lns. 3-6).

Claim 17:

Regarding Claim 17, Mendez '590 and Huang '354 in combination disclose all the limitations of Claim 16 (supra). Additionally, Mendez '590 and Huang '354 in combination disclose: the subset includes the mergeable property that differs from the corresponding mergeable property (Huang '354: col. 7, ln. 60 to col. 8, ln. 3 – note that the “relevant changes” of Huang '354 read on the mergeable property i.e. a property that changed thus triggering a synchronization).

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez '590 and Huang '354, in view of Bodnar '541.

Claim 18:

Regarding Claim 18, Mendez '590 and Huang '354 in combination disclose all the limitations of Claim 16 (supra). However, Mendez '590 and Huang '354 in combination do not explicitly disclose: the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different.

Bodnar '541 discloses the preferred state is related to a likelihood that vital information would be lost if the preferred state did not replace the initial state when different (Bodnar '541: col. 48, lns. 52-54; col. 48, ln. 65 to col. 49, ln. 8; col. 49, lns. 50-59 – note that Bodnar '541 provides for merge rules that provide for user setting of preferences that reflect loss of data).

It would have been obvious for a person having ordinary skill in the art to apply the merge rules of Bodnar '541 to the Mendez '590 and Huang '354 combination. The motivation for the ordinarily skilled artisan to accomplish said application is suggested by Bodnar '541 which discloses application of Bodnar '541 provides a resolution conflict method and system such as the Mendez '590 and Huang '354 combination, the advantageous ability to handle new and arbitrary datasets and data types (Bodnar '541: col. 3, lns. 54-63).

Response to Arguments

12. Applicant's arguments with respect to Claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

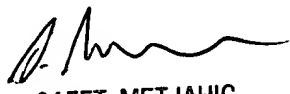
Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J.D. Santos whose telephone number is 703-305-0707. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick J.D. Santos
June 24, 2004



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